

Amendment under 37 C.F.R. §1.111
Application No. 10/565,504
Attorney Docket No. 062005

REMARKS

Objections to Specification

The abstract of the disclosure was objected to due to the number of words exceeding 150.

Accordingly, the abstract has been amended.

The disclosure was objected to because of informalities.

Accordingly, the specification has been amended to overcome the objection.

Objections to Claim

Claim 3 was objected to because of the informalities.

Accordingly, claim 3 has been amended to overcome the objection.

Claim 4 was objected to under 37 CFR §1.75 as being a substantial duplicate of claim 1.

Accordingly, claim 4 has been cancelled making the objection moot.

Rejections under 35 USC §102(b)

Claims 1-7 were rejected under 35 USC §102(b) as being anticipated by Suovaniemi et al. (U.S. Patent No. 5,343,769).

Claim 1 has been amended to recite, among other things, “providing a liquid discharging apparatus comprising a metering tube having a discharge port communicating to outside, and a **plunger whose tip face closely contacts an inner wall surface of the metering tube.**” Claim 5 also have been amended to recite “a **plunger whose tip face closely contacts an inner wall surface of the metering tube.**”

Regarding the cylinder and the plunger Suovaniemi et al describes as follows:

The pipette of the invention presented in general in FIG. 1, and partly in greater detail in FIGS. 2-3, comprises a body part 1 with tip portion 2 and with tip piece (not depicted). The body and tip portion have been joined together e.g. by a threaded juncture in FIG. 1. The pipette comprises a **cylinder volume 3** and a **plunger 4, fitted into the cylinder volume**. The liquid passage 5 in the tip portion 2 and the cylinder volume constitute the liquid volume of the pipette.

(Suovaniemi et al, col. 3, lines 6-14).

As shown in Fig. 2, cylinder volume 3 and a plunger 4 are at the upper portions of the liquid volume 6. The liquid volume 6 is shown in the upper portion of the cylinder and the lower portion of the cylinder, which indicates that the upper portion of liquid volume 6 and the lower portion of liquid volume 6 communicate each other. Therefore, the lower portion of the plunger does not have a “tip face closely contacts an inner wall surface of the metering tube.”

Claim 1 also has been amended to recite “moving forward and stopping **the plunger sliding while closely contacting with an inner wall face of the metering tube**, thereby discharging the liquid material in the metering tube from the discharge port over a plurality of

times.” Claim 5 also has been amended to recite “a control means controlling an operation of **the plunger sliding while closely contacting with an inner wall face of the metering tube**, thereby discharging the liquid material in the metering tube from the discharge port over a plurality of times.” Suovaniemi et al does not teach or suggest these recitations either.

Therefore, Suovaniemi et al does not teach or suggest “providing a liquid discharging apparatus comprising a metering tube having a discharge port communicating to outside, and a plunger whose tip face closely contacts an inner wall surface of the metering tube;” and “moving forward and stopping the plunger sliding while closely contacting with an inner wall face of the metering tube, thereby discharging the liquid material in the metering tube from the discharge port over a plurality of times;” as recited in claim 1.”

Also, Suovaniemi et al does not teach or suggest “a plunger whose tip face closely contacts an inner wall surface of the metering tube;” and “a control means controlling an operation of the plunger sliding while closely contacting with an inner wall face of the metering tube, thereby discharging the liquid material in the metering tube from the discharge port over a plurality of times,” as recited in claim 5.

For at least these reasons, claims 1 and 5 patentably distinguish over Suovaniemi et al. Claims 2 and 3, depending from claim 1, and claims 6 and 7, depending from claim 5, also patentably distinguish over Suovaniemi et al for at least the same reasons.

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In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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